

**GOVERNMENT OF ANDHRAPRADESH
ABSTRACT**

Social Welfare Department – Appeal petition filed by Gali Sangeetha Rao, S/o. Late Sri Daveedu, Sr. Asst, R/o RWS & S Sub Division, Kalwakurty(M), Mahaboobnagar District, against the Proceedings of the District Collector, Guntur District – under section 7(2) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No. 16/1993) – **Appeal Petition Allowed** – Orders Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 91

**Dated:10.12.2013.
Read the following.**

- Ref: - 1. Proceedings of the District Collector, Guntur, Rc.705/02/C4, dated: 13-03-2012.
2. Appeal petition of Sri Gali Sangeetha Rao, Sr.Asst., Mahaboobnagar district, dated: 24.04.2012
3. Govt. Memo. No. 6201/CV.1/2012, dated: 02.05.2012, 20.06.2012 &17.09.2012
4. From the District Collector, Guntur Rc.No. 705/02/C4, dated 27.05.2012 & 12.07.2012.
5. Govt. Lr. No. 6201/CV.1/2012, dated:17.09.2012, 19.10.2012, 07.01.2013 & 30.01.2013
6. Govt. Memo. No. 6201/CV.1/2012, dated: 17.09.2012, 19.10.2012, 07.01.2013 & 30.01.2013

ORDER:

1. Vide reference 1st read above, the District Collector, Guntur has cancelled Scheduled Caste 'Mala' caste certificate of Sri Gali Sangeetha Rao, S/o Late Sri Daveedu.
2. In the reference 2nd read above, Sri. Gali Sangeetha Rao., filed an appeal before the Government u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 16/1993, against the cancellation of his Scheduled Caste certificate by the District Collector, Guntur, and prayed for staying the operation of the said suspension. The Appeal Petition was admitted by the Government.
3. Based on the request made by the appellant to the appellate authority at the time of hearing of the case on 24.04.2012 it has been decided to stay the operation of the Proceedings of the District Collector, Guntur issued in the reference 1st cited pending finalization of the Appeal Petition before the Government.
4. In the reference 3th read above, the District Collector, Guntur was requested to furnish the connected records and parawise remarks on the appeal filed by Sri Gali Sangeetha Rao:
5. In the reference 4th read above, the District Collector, Guntur has furnished parawise remarks along with the connected records.
6. The said Appeal Petition has been posted for hearing on 8.10.2012, 17.12.2012, 21.01.2013, & 19.07.2013 and the same has been informed to the appellant and requested to attend the hearings with all documentary evidence/certificates in favour of his community claim. The Appellant has attended for the said hearings and explained his grounds for his community status before the appellate authority.

[p.t.o...]

7. Government have examined the parawise remarks of District Collector, Guntur / the DLSC findings and the evidences produced by the petitioner at the time of hearing the grounds of his appeal and the material on record. The appellant's grounds in favour of his community claim are as follows :

1. That the Mala Buddhist is a SC according to the Scheduled Castes Orders (Amendment Act, 1990);
2. The Hon'ble Authority has failed to observe that the father of the appellant was died during his childhood and as such, caste was not properly incorporated and even without the knowledge and consent of the appellant, the appellant's caste was shown as Christian Mala i.e., BC-C;
3. The Hon'ble Authority also failed to see that the parents of the appellant are illiterates and they do not know the pros and consequences of the change of caste.
4. The Hon'ble Authority also failed to see that there is no conversion of appellant into Christian Mala except joining in the Missionary Schools and wherein the caste of the appellant was shown as Christian.
5. The Hon'ble Authority also failed to see that the other family members of the appellant are still under the benefit of SC-Mala and under those circumstances, not considering the case of the appellant as SC-Mala is nothing but illegal, arbitary and discriminatory also.
6. The Hon'ble Authority has failed to consider the bonafide and genuine plea of the appellant that his caste was wrongly shown as BC-C Christian Mala without his fault.

8. At the time of hearing before the appellate authority, the appellant has produced written arguments in support of his claim and also represented as follows :-

1. He belongs to Scheduled Caste community and his family members belong to Scheduled Caste – Mala and they all are following traditions of Hinduism and they are celebrating festivals like Dasara, Deepavali and Pongal etc.
2. His family members are the devotees of Hindu Lords Sri Venkateswara, Saibaba and Sri Rama etc.
3. When he was 11 years old, his father died, and a school teacher admitted him in the Machinery School in 1st Standard as a Christian, as his parents are illiterates.
4. He was attracted to Hinduism on the ideology of Dr.B.R.Ambedkar. On 14.06.1993, he converted to Buddhism through Sri Nagarup said to be an Indian Buddhist Council at Guntur, since then he is following the tradition and culture of Buddhism and also married as per the Buddhist tradition.

9. As verified from the parawise remarks and the Proceedings of the District Collector, Guntur, it is seen that the DLSC has not taken into consideration of the material evidence and the statements submitted by the appellant while canceling the Buddhist Sc Mala caste certificate issued by Tahsildar, Repalle.

10. The contention of the Appellant, is that he born in Scheduled Caste (Mala) Community and he is not aware of the Christian conversion of their family, but he has studied in Christian School from 1st class to 5th class after that in Hindu schools and College and he is claiming that he belongs to S.C(Mala) community, which comes under Scheduled Caste and not converted Christian. It is also observed that the D.L.S.C has also not proved that the appellant has taken Baptism for conversion into Christian community and also the District Authorities have not produced any recorded evidence to prove that the appellant has taken Baptism and following the Christianity.

[Contd....]

11. In the circumstances stated supra, Govt. after careful examination and in exercise of the powers conferred u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 16/1993 (Act No.16/1993), hereby **allow** the Appeal Petition filed by Sri Gali Sangeetha Rao, S/o.Late Sri Daveedu and set aside the Proceedings of District Collector, Guntur issued in Rc.705/02/C4, dt: 13-03-2012 .

12. The District Collector, Guntur shall take necessary action accordingly.

13. The records (containing 855 pages) received from the District Collector, Guntur, through 4th reference read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT(FAC)**

To

The Collector & District Magistrate, Guntur (with original records)

Sri Gali Sangeetha Rao , Sr. Asst.,
S/o Daveedu,
R/o. RWS & S Sub Division, Kalwakurty(M)
Mahaboobnagar Dist

Sri S.B. Satish, Advocate,
Raghavendra Apartments, Asmangadh,
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Copy to:

P.S. to M (SW)

P.S. to Principal Secretary (SW)

SF/SC.

// Forwarded:: By Order //

SECTION OFFICER